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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:
22CV021840]

**STIPULATION OF DISMISSAL WITH
PREJUDICE: MORSE TEC, LLC;
ORDER**

Courtroom: 02, 4th Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: September 9, 2024.

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and
4 Defendant Morse Tec LLC f/k/a BorgWarner Morse Tec LLC, individually and as successor-in-
5 interest to BorgWarner Corporation, only, (“Defendant”) hereby stipulates as follows:

6 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss
7 of Consortium – Asbestos in the Superior Court of the State of California, County of Alameda
8 Case No. 22CV021840.

9 2. On December 21, 2022, the above action was removed to the United States District
10 Court, Northern District of California, Case No. 4:22-09058.

11 4. On March 1, 2024, Plaintiffs and Defendant reached an agreement of all claims in this
12 action as to Defendant Morse Tec LLC f/k/a BorgWarner Morse Tec LLC, individually and as
13 successor-in-interest to BorgWarner Corporation.

14 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the
15 following:

16 This Court should dismiss with prejudice all claims against Morse Tec LLC f/k/a
17 BorgWarner Morse Tec LLC, individually and as successor-in-interest to BorgWarner
18 Corporation, only.

19 DATED: August 6, 2024

Maune Raichle Hartley French & Mudd LLC

20 By:  _____

21 Rabiah N. Oral

22 Attorney for Plaintiffs

23 DATED: August 6, 2024

Husch Blackwell LLP

24 By:  _____

25 Lisa L. Oberg

26 Paul D. Smith

27 Attorneys for Morse Tec LLC, f/k/a

28 BorgWarner Morse Tec LLC, as successor-
by-merger to Borg-Warner Corporation


ORDER

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that Morse Tec LLC f/k/a BorgWarner Morse Tec LLC, individually and as successor-in-interest to BorgWarner Corporation, only, is dismissed with prejudice of all claims.

IT IS SO ORDER.

DATED: 8/7/2024


Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT JUDGE